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EXAMINER

MUHAMMAD, KHALIF R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/616,614	Applicant(s) KUSHALNAGAR ET AL.	
	Examiner KHALIF MUHAMMAD	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-18 have been examined and rejected.
2. Claims 19-25 have been canceled.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4.. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: selecting digital media before actually retrieving.

Claim Rejections - 35 USC § 102

- 5.. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter (US 5892 900).

7. With respect to claim 1 Ginter discloses a method for managing digital rights comprising:

- receiving a Universal Resource Identifier (URI), the URI identifying a location for a user selected digital media item, the digital media item to be played in a local area network (LAN); (column 168 lines 10-25; column 314 lines 1-23; Fig. 78)
- retrieving the selected digital media item from a content server over a network connection; (column 314 lines 1-23; Fig. 78)
- and decrypting the selected digital media item for playback via one or more media rendering devices. ; (column 158 lines 58-65; column 314 lines 1-23; Fig. 78)

Examiner further notes the recited “if” in steps 3 and 4 do not distinguish the claimed invention from the cited art. These phrases are conditional limitations with the noted “if” step not necessarily performed. Accordingly, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios. [See: In re Johnston, 77 USPQ2d 1788 (CA FC 2006); Intel Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991); MPEP §2106 II C].

- if the selected digital media item is encrypted, obtaining a license to decrypt the selected media item, wherein access to the license is based on a plurality of access rules; (column 158 lines 58-65; column 314 lines 1-23; Fig. 78)

- if a request for the license adheres to the access rules, receiving the license via a secure out of band transfer; (column 55 lines 53-56)

8. With respect to claims 2 and 11 Ginter discloses the method of claim 1, wherein obtaining a license to decrypt the selected media item comprises:

- extracting meta data from the selected digital media item, the meta data including a key identification and a license URI, the key identification for identifying the license and the license URI for identifying where the license can be found; (column 55 lines 1-11)
- enabling a local license server within the LAN to obtain the license to play the selected digital media item; (column 55 lines 1-11)
- and establishing a secure connection to the local license server to request the license; (abstract)
- wherein the local license server determines whether the request for the license adheres to the access rules, wherein the access rules are based on the terms of the license. (column 55 lines 1-11)

9. With respect to claims 6 and 15, Ginter discloses the method of claim 1, wherein

- access rules include at least one of a number of times the selected digital media item is to be played, a number of media rendering devices the selected digital media item may be played on at one time, (column 58 lines 60-67)
- an expiration of the license; (column 211 lines 1-6)
- and a length of time a user may play the selected digital media item. (Column 54 lines 33-45)

10. With respect to claim 7 and 16 Ginter discloses the method of claim 1, wherein the access rules include personal owner rules regarding playing the selected digital media item, wherein personal owner rules include at least one of an indication of who can play the selected digital media item, an indication of when the selected digital media item can be played, and an indication as to the number of times the selected digital media item can be played by certain individuals. (Column 54 lines 33-45)

11. With respect to claim 8 and 17 Ginter discloses the method of claim 1, wherein obtaining the license to decrypt the selected media item comprises:

- checking a local license server using a key identification acquired from the selected digital media item to see if the license is available from the local license server; (figs. 17-20; column 120 lines 61-67; column/line 133/10-134/10; column/line 155/38-156/15; column/line 214/15-215/30)

- if the license is available at the local license server, obtaining a location URI for the license to enable retrieval of the license from the local license server; (figs. 17-20; column 120 lines 61-67; column/line 133/10-134/10; column/line 155/38-156/15; column/line 214/15-215/30)
- and if the license is not available at the local license server, enabling the local license server to retrieve the license from a license server in a wide area network using the key identification and a license URI acquired from the selected digital media item and the location URI indicating where the license can be found on the local license server after the license is retrieved from the license server. (figs. 17-20; column 120 lines 61-67; column/line 133/10-134/10; column/line 155/38-156/15; column/line 214/15-215/30)

12. With respect to claim 9 and 18 Ginter discloses the method of claim 1, wherein the URI identifying a location for a user selected digital media item is obtained from a home media server, the home media server comprising a plurality of URIs for digital media items used by the LAN. (column 314 lines 1-23; Fig. 78)

With respect to claim 10 Ginter discloses an article comprising:

- a storage medium having a plurality of machine accessible instructions, (column 60 lines 56-67; column 61 lines 1-34; fig. 7)

- wherein when the instructions are executed by a processor, (column 60 lines 56-67; column 61 lines 1-34; fig. 7)
- the instructions provide for receiving a Universal Resource Identifier (URI), (column 60 lines 56-67; column 61 lines 1-34; fig. 7)
- the URI identifying a location for a user selected digital media item, (column 60 lines 56-67; column 61 lines 1-34; fig. 7)
- the digital media item to be played in a local area network (LAN); (column 60 lines 56-67; column 61 lines 1-34; fig. 7)
- retrieving the selected digital media item from a content server over a network connection; (column 60 lines 56-67; column 61 lines 1-34; fig. 7)
- if the selected digital media item is encrypted, obtaining a license to decrypt the selected media item, (column 158 lines 58-65; column 314 lines 1-23; Fig. 78)
- wherein access to the license is based on a plurality of access rules; if a request for the license adheres to the access rules, (Column 54 lines 33-45)
- receiving the license via a secure out of band transfer; (Column 15 lines 10-20)
- and decrypting the selected digital media item for playback via one or more media rendering devices. (column 158 lines 58-65; column 314 lines 1-23; Fig. 78)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-5 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter (US 5892 900) in view of Fransdonk (US 20050066353)

15. With respect to claims 3 and 12, Ginter discloses the method of claim 2, but does not disclose enabling a local license server within the LAN to obtain the license to play the selected digital media. Fransdonk discloses wherein enabling a local license server within the LAN to obtain the license to play the selected digital media item comprises:

- receiving the key identification and license URI to access the license; (Figs. 4 and 7; 0073 and 0209)
- establishing a secure connection to a control point to obtain user credentials for acquiring the license; (Figs. 4 and 7; 0073 and 0209)
- retrieving the user credentials; (Figs. 4 and 7; 0073 and 0209)

- establishing a secure connection to a license server providing the license, wherein the license server providing the license is identified using the license URI; (Figs. 4 and 7; 0073 and 0209)
- sending the license server the user credentials and the key identification to obtain the license; (Figs. 4 and 7; 0073 and 0209)
- and acquiring the license using the key identification. (Figs. 4 and 7; 0073 and 0209)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to enable a license server to obtain a license in order to play digital media in order to enforce digital rights management.

16. Claims 4,5,13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter (US 5892 900).

17. With respect to claims 4 and 13 , Ginter does not disclose the method of claim 3, wherein user credentials comprise a user name, a user address, a credit card number, a date of expiration for a credit card, and a type of license to be requested. On the other hand Ginter does disclose a user name and password. (fig 72A). However

credentials can be anything associated with a user to gain access to something.

Therefore user name, a user address, a credit card number, a date of expiration for a credit card, and a type of license to be requested are all considered nonfunctional descriptive material, and Ginter is sufficient in terms of art. (In re Gulack, 217 USPQ 401 (Fed. Cir. 1983), In re Ngai, 70 USPQ2d (Fed. Cir. 2004), In re Lowry, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II

17. With respect to claim 5 and 14 , Ginter discloses the method of claim 1, wherein the LAN comprises a home network and the selected digital media item is to be played on the home network. (column 168 lines 10-25; Fig 35)

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kikuchi (6088733) teaches viewing live performances over the internet

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHALIF MUHAMMAD whose telephone number is (571)270-5207. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hewitt, Calvin can be reached on 571-272-7084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KHALIF MUHAMMAD/
Examiner, Art Unit 4137